IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Arjun Ram Jangid. Versus State of Rajasthan & ors.

S.B. Civil Writ Petition No. 83/2006

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Date of Order: May 07, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. A.K. Singh, for the petitioner.
Mr. B.L. Tiwari, Deputy Govt. Advocate, for respondents.

BY THE COURT:

By the order dated 11-8-2006, it was ordered that the writ petition is pending since long before this Court and order transferring the petitioner is of July 2005, therefore, as an interim measure, it was considered appropriate to direct the respondents to consider the candidature of the petitioner for the purpose of his posting at appropriate place as far as possible at urban area preferably in Bikaner or a place nearby to it.

On 26-4-2007, the learned Deputy Government Advocate sought short adjournment to make a statement as to whether in compliance of the order dated 11-8-2006, the case of the petitioner has been considered or not.

Learned Deputy Government Advocate appearing for

the State submits that an additional affidavit has been filed by the Assistant Director (Litigation), Animal Husbandry Department, stating therein that in pursuance of the directions issued by this Court on 11-8-2006, the case of the petitioner has been considered by the Directorate and by the order dated 13.9.2006, the petitioner has been posted at Mahajan, district Bikaner since there was no post vacant in Bikaner city or in the nearby city area of Bikaner. He has placed on record the communication dated 13-9-2006 sent by the Director, Animal Husbandry Department, Jaipur stating therein that during the service tenure, the petitioner remained posted in Bikaner district, either in Bikaner city or around Bikaner city and since there is no vacant post of Veterinary Assistant in Bikaner city or around it, the petitioner has been transferred to the Veterinary Hospital, Mahajan, district Bikaner.

The petitioner has filed an affidavit along with the second stay petition stating therein that the petitioner has come to know that one Gauri Shanker. Veterinary Assistant, who was posted at Bikaner, has retired on 31-1-2007 and, therefore his case may be considered against the post which fell vacant at Bikaner on account of superannuation of said Gauri Shanker, the Veterinary Assistant.

Having regard to the facts and circumstances of the case and the fact that by the order dated 11-8-2006 this Court

directed the respondents to consider the case of the petitioner and post him to the urban area, preferably in Bikaner city or a place nearby it and the fact that a post of Veterinary Assistant has fallen vacant in Bikaner on account of Gauri Shanker which has not been controverted by the State, in my view, the writ petition can be disposed of with a direction to the respondents to consider the case of the petitioner for his posting in conformity with the order dated 11-8-2006 passed by this Court.

In this view of the matter, the respondents are directed to consider th case of the petitioner for his posting at Bikaner or the place nearby as directed by this Court vide order dated 11-8-2006, keeping in view the fact that the post of Veterinary Assistant has become available on account of superannuation of one Gauri Shanker.

With these directions, the writ petition stands disposed of. Second stay petition No.35/2007 also stands disposed of. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs